

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1001**

Introduced by Janssen, 15; Fischer, 43; Flood, 19; Fulton, 29;  
Gloor, 35; Hansen, 42; Karpisek, 32; Krist, 10;  
Lautenbaugh, 18; McCoy, 39; Nelson, 6; Pahls, 31;  
Price, 3; Schilz, 47; Utter, 33.

Read first time January 20, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to postsecondary education; to amend section  
2 85-502, Reissue Revised Statutes of Nebraska; to change  
3 and eliminate provisions relating to residency; to  
4 provide for applicability; and to repeal the original  
5 section.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 85-502, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           85-502 Rules and regulations established by the governing  
4 board of each state postsecondary educational institution shall  
5 require as a minimum that a person is not deemed to have  
6 established a residence in this state, for purposes of sections  
7 85-501 to 85-504, unless such person is lawfully present in the  
8 United States and:

9           (1) Such person is of legal age or is an emancipated  
10 minor and has established a home in Nebraska where he or she  
11 is habitually present for a minimum period of one hundred eighty  
12 days, with the bona fide intention of making this state his or her  
13 permanent residence, supported by documentary proof;

14           (2) The parents, parent, or guardian having custody of a  
15 minor registering in the educational institution have established  
16 a home in Nebraska where such parents, parent, or guardian are  
17 or is habitually present with the bona fide intention to make  
18 this state their, his, or her permanent residence, supported by  
19 documentary proof. If a student has matriculated in any state  
20 postsecondary educational institution while his or her parents,  
21 parent, or guardian had an established home in this state, and the  
22 parents, parent, or guardian ceases to reside in the state, such  
23 student shall not thereby lose his or her resident status if such  
24 student has the bona fide intention to make this state his or her  
25 permanent residence, supported by documentary proof;

1           (3) Such student is of legal age and is a dependent for  
2 federal income tax purposes of a parent or former guardian who  
3 has established a home in Nebraska where he or she is habitually  
4 present with the bona fide intention of making this state his or  
5 her permanent residence, supported by documentary proof;

6           (4) Such student is a nonresident of this state prior  
7 to marriage and marries a person who has established a home in  
8 Nebraska where he or she is habitually present with the bona fide  
9 intention of making this state his or her permanent residence,  
10 supported by documentary proof;

11           (5) ~~Except as provided in subdivision (8) of this~~  
12 ~~section, such~~ Such student, if an alien, has applied to ~~or~~  
13 has a petition pending with the United States Immigration and  
14 Naturalization Service to attain lawful status under federal  
15 ~~immigration law and~~ has established a home in Nebraska for a  
16 period of at least one hundred eighty days where he or she is  
17 habitually present with the bona fide intention to make this state  
18 his or her permanent residence, supported by documentary proof;

19           (6) Such student is a staff member or a dependent of a  
20 staff member of the University of Nebraska, one of the Nebraska  
21 state colleges, or one of the community college areas who joins  
22 the staff immediately prior to the beginning of a term from an  
23 out-of-state location; or

24           (7) Such student is on active duty with the armed  
25 services of the United States and has been assigned a permanent

1 duty station in Nebraska, or is a legal dependent of a person on  
2 active duty with the armed services of the United States assigned a  
3 permanent duty station in Nebraska\_7 or

4 ~~(8)(a) Such student resided with his or her parent,~~  
5 ~~guardian, or conservator while attending a public or private high~~  
6 ~~school in this state and:~~

7 ~~(i) Graduated from a public or private high school in~~  
8 ~~this state or received the equivalent of a high school diploma in~~  
9 ~~this state;~~

10 ~~(ii) Resided in this state for at least three years~~  
11 ~~before the date the student graduated from the high school or~~  
12 ~~received the equivalent of a high school diploma;~~

13 ~~(iii) Registered as an entering student in a state~~  
14 ~~postsecondary educational institution not earlier than the 2006~~  
15 ~~fall semester; and~~

16 ~~(iv) Provided to the state postsecondary educational~~  
17 ~~institution an affidavit stating that he or she will file~~  
18 ~~an application to become a permanent resident at the earliest~~  
19 ~~opportunity he or she is eligible to do so.~~

20 ~~(b) If the parent, guardian, or conservator with whom the~~  
21 ~~student resided ceases to reside in the state, such student shall~~  
22 ~~not lose his or her resident status under this subdivision if the~~  
23 ~~student has the bona fide intention to make this state his or her~~  
24 ~~permanent residence, supported by documentary proof.~~

25 The changes made to this section by this legislative bill

1 shall not apply to any student enrolled in a state postsecondary  
2 educational institution on September 1, 2010, or to any student  
3 enrolled in grade twelve in a high school in Nebraska on September  
4 1, 2010.

5 The changes made to this section by this legislative  
6 bill shall not apply to any student in Nebraska on and after  
7 the effective or operative date of any federal legislation which  
8 preempts such changes.

9 Sec. 2. Original section 85-502, Reissue Revised Statutes  
10 of Nebraska, is repealed.